

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JON SPENGLER,	:	
	:	
Plaintiff,	:	Case No. 2:05-CV-0977
	:	
v.	:	Judge Marbley
	:	
WORTHINGTON CYLINDERS,	:	Magistrate Judge Kemp
	:	
Defendant.	:	

FED.R.CIV.P. 26(f) REPORT OF THE PARTIES

1. Pursuant to Fed. R. Civ.P. 26(f), a meeting was held on 02/20/06
and was attended by:

Nicholas Kennedy _____, counsel for plaintiff(s) Jon Spengler _____
_____, counsel for plaintiff(s) _____
_____, counsel for plaintiff(s) _____
Daniel J. Clark _____, counsel for defendant(s) Worthington Cylinders _____
_____, counsel for defendant(s) _____
_____, counsel for defendant(s) _____
_____, counsel for defendant(s) _____

2. The parties:

_____ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

 X do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

3. The parties:

_____ have exchanged the pre-discovery disclosures required by Rule 26(a)(1).

 X will exchange such disclosures by: 03/31/06

_____ are exempt from disclosures under Rule 26(a)(1)(E).

_____ have agreed not to make initial disclosures.

4. Jurisdiction and Venue

- a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal jurisdiction and/or (3) venue:
- b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:
- c. Recommended date for filing motions addressing jurisdiction and venue:

5. Recommended cut-off date for filing any motion to amend the pleadings and/or to add additional parties:

April 28, 2006.

6. Recommended discovery plan:

- a. Describe the subjects on which discovery is to be sought and the nature and extent of discovery that each party will need:

All parties expect to utilize written interrogatories and requests for production of documents, depositions, and possibly requests for admission, with respect to plaintiff's allegations/claims and defendant's asserted defenses.

- b. What changes should be made, if any, in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules of this Court, including the limitation on interrogatories and the limitation of ten depositions, each lasting no more than one day consisting of seven (7) hours?

None.

- c. Identify the discovery, if any, that can be deferred pending settlement discussions and/or resolution of the potentially dispositive motions:

Both Parties will defer the disclosures of any experts pending the Court's ruling on defendant's motion for summary judgment, if any.

- d. Describe the areas in which expert testimony is expected and indicate whether each expert will be specially retained within the meaning of F.R. Civ. P.26(c)(2).

Potential vocational and/or economic expert

- e. Recommended date for making primary expert designations: _____

Plaintiff will disclose his vocational expert(s) within 30 days of the Court's ruling on any motion for summary judgment. For purposes of this report "disclose" shall include compliance with Fed.R.Civ.P. 26 and provision of each expert's report.

- f. Recommended date for making rebuttal expert designations:

45 days after plaintiff's disclosure.

- g. Recommended discovery cut-off date: **October 31, 2006**.

7. Recommended dispositive motion date: **November 30, 2006.**

8. Has a settlement demand been made? **No.** A response? **N/A.**

Date by which a settlement demand can be made: **March 31, 2006.**

Date by which a response can be made: **April 15, 2006.**

9. The earliest Settlement Week referral reasonably likely to be productive is the (choose one) March/June/September/December (year): **June, 2006.**

10. Other matters for the attention of the Court:

None at this time.

Signatures:

Attorney(s) for Plaintiff(s):

/s Nicholas E. Kennedy

Nicholas Kennedy

Ohio Bar # 0070310

Trial Attorney for Plaintiff

Attorney(s) for Defendant(s):

/s Daniel J. Clark/per tele. auth.

Daniel J. Clark

Ohio Bar # 0075125

Attorney for Defendant